

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-CR-132-05

v.

HON. ROBERT HOLMES BELL

ARTURO DELEON,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Arturo Deleon has filed a motion for modification or reduction of sentence (ECF No. 1585) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

However, a careful review of Defendant's motion to reduce sentence and the responses from the Defendant and Government requires this Court to conclude that the original sentence, which was below the guideline range, and credit given for a Michigan Department of Corrections' sentence served, finds the original 108 month sentence below the amended guideline range of 121 to 151 months.

This Court's duty to fashion a just sentence, with reference to the guideline ranges, is met with the presently calculated sentence.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 1585) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

Dated: January 6, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE